IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6001 OF 2005

Kalu @ Limbaji Narayan Bhalerao. ... Applicant.

Versus.

State of Maharashtra. ... Respondent.

Shri Bipin Bidkar for the Applicant.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 4th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant apart from claiming relief of bail on the ground of parity has submitted that the Applicant is entitled to bail on merit. He submitted that the age of the Applicant is only 21 years. He pointed out that no role has been ascribed to the Applicant in the actual assault on the deceased. He submitted that considering the young age of the Applicant after filing of charge-sheet he need not be detained in jail. He submitted that the co-accused was granted bail on the ground that he has not played any role in actual assault on the deceased. Therefore, the Applicant is entitled to be enlarged on bail.

3. The learned A.P.P. pointed out the material collected against the Applicant during the course of investigation and submitted that the Applicant has taken part in the offence of brutal nature and therefore, he is not entitled to be enlarged on bail.

4. The allegations made by the first informant as well as two eye witnesses appear to be that when the co-accused Sham assaulted the deceased, the Applicant was holding is legs. There is prima-facie material to show that the Applicant actively helped the co-accused in the assault. This Court enlarged the co-accused on bail against whom only allegation was that he threatened the first informant and the other witnesses not to go to the Police.

5. There is enough evidence to show the complicity of the Applicant. However, considering the young age of the Applicant, the trial deserves to be expedited.

6. Hence the following order is passed:

i) The Application is rejected.

ii) It appears that the case is already committed to the Court of Sessions. If the fast track court is available which is empowered to try the present case, the same

shall be entrusted to a fast track Court. The trial shall be concluded as expeditiously as possible and preferably within a period of six months from today.

Judge.